THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :19993 of 2006

DATED:11-06-2007

BETWEEN:

Jubilee Public Library and Reading Room Samaj,
Town Hall,
A Society registered under Regd.No.241/75,
Rajahmundry,
East Godavari District.

..... PETITIONER

AND

The State of A.P.,
Rep., by its Secretary (Home)
Secretariat,
Hyderabad & 7 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus directing the respondents, their men, and subordinates not to interfere with the lawful activities of the petitioner's club and its members in any manner, including playing rummy and bridge with stakes and if they choose to inspect the petitioner's activities they can do so in the presence of respected mediators like lawyers, doctors, auditors, judicial officers, legislative members (present and past) or gazetted officers and not to use police mediators in their endeavour to foist some cases or the other against the petitioner's members.

3. It is stated that the petitioner is a Society registered under the Societies Registration Act, promoting literal and cultural activities, maintenance of library, reading room for the use of the members of the samaj and the public. The Society has got indoor and outdoor games apart from international and intellectual card games like bridge and rummy. It is stated that no money is used for playing cards or the bridge, but police are highhandedly intervening the legitimate activities of the petitioner during the

active hours i.e., from 10.00 a.m., to 10.00 p.m., Questioning the illegal action, in indiscriminately inspecting the petitioner's club and registering cases, petitioner Society earlier filed W.P.No.6580 of 2005 and this Court by order, dated
31-03-2005, closed the same on the assurance made by the respondents that they will protect the interest of everyone including the members of the club and that they will not interfere with the affairs of anyone unless their activities are unlawful.

4. Counter has been filed stating that when a reliable information was received about the petitioner's activities that some members and outsiders are playing cards (three cards) which is a game of chance by betting and as per the instructions of the Deputy Superintendent of Police, Rajahmundry, respondents 5 to 7 visited the petitioner's club, raided the same, and arrested fourteen persons while they were playing cards and seized the cash and betting amount of Rs.10,505/- and in that regard a case in Cr.No.390 of 2006 was registered under Sections 3 and
4 of the Andhra Pradesh Gaming Act, 1974 on 23-08-2006. The allegation that the 3rd respondent orally warned the petitioner not to carry on the rummy and bridge game is denied stating that there was no oral warning followed by the alleged harassment and highhanded behaviour of the official respondents. It is stated that as and when complaints are received about the illegal action, raids were conducted, and recoveries were made. All the other allegations that there is reckless action on the part of the official respondents and they are illegally preventing the lawful activities, registering false cases, and dancing to the tunes of the Television

channels are denied.

5. The only contention of the petitioner is that if really they indulge in illegal activities, police can register cases against them but without there being any illegal activity on the part of the petitioner police are bringing strong witnesses of their own without getting independent and respectable persons of the locality. It is stated that whenever a panchanama is recorded it is the duty of the police to get the independent witnesses of the locality but not the outsiders.

6. I am of the opinion that it is true that witnesses must be from the vicinity of the locality but if nobody accepts to come as witnesses it is open for the police to get any witness but it may not be just and proper to give such a direction to register the cases in the presence of lawyers, doctors, auditors, judicial officers, legislative members (present and past) or gazetted officers.

7. Having regard to the facts and circumstances of the case, I am of the opinion that no direction can be issued as prayed for in this Writ Petition.

8. Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

11th June, 2007.

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